

Docket No: 07-0483
Bench Date: 5/7/08
Deadline: 5/17/08

MEMORANDUM

TO: The Commission

FROM: Claudia E. Sainsot, Administrative Law Judge

DATE: April 22, 2008

SUBJECT: Illinois Commerce Commission,
On its own Motion,

Development of Net Metering Standards Required by P.A.
95-0420

RECOMMENDATION: Enter the attached Order adopting the Rule.

The Procedural Background

The instant rulemaking docket established standards for net meters, which are used to measure the flow of electricity that customers sell to their electric suppliers, as well as that which they receive. (220 ILCS 5/16-107.5(b)). It creates Part 465 which sets forth the method of billing when a customer has a net meter, what information an applicant for a net meter must provide to an electric supplier, and similar items.

On March 19, 2008, this Commission entered an Order authorizing the submission of the Second Notice of the proposed Rule to the Joint Committee on Administrative Rules ("JCAR"). JCAR reviewed the Rule at its meeting which convened on April 15, 2008, and it issued its certification of no objection at that time. Issuance of this certification ends the second notice period. The Commission can now adopt the Rule.

The attached Order adopts the Rule. Because Staff conducted many workshops in this docket and its companion, 06-0525 (which concerns interconnection) there were few issues in this docket. The Second Notice Order, which issued on March 19, 2008, sets forth the issues that were raised by the parties.

It should be pointed out that the Net Metering Statute, 220 ILCS 5/16-107.5, requires electricity providers to offer net metering to the public no later than April 1, 2008. Staff and the parties to this docket were of the opinion that it was best to have a rule in place governing net metering as soon as possible. Therefore, on December 19, 2007, this Commission entered an Order that both started the First Notice Period and submitted an Emergency Rule to JCAR. However, an emergency rule is can only be effective for 150

days (5 ILCS 100/5-45(c)). Thus, the emergency rule will only be effective until approximately May 18, 2008. If this Commission were to hold this docket beyond that date, there would be no rule in place governing net meters.

I therefore recommend that the Commission enter the attached Order adopting Part 465.

CES:jt